

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES WILKERSON,)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO.
)	04-11771-RGS
)	
COMMONWEALTH OF)	
MASSACHUSETTS, et al,)	
Respondents.)	

ORDER

On August 9, 2004, pro se petitioner Charles Wilkerson, a prisoner currently confined at FCI Ray Brook, filed a habeas corpus petition pursuant to 28 U.S.C. § 2254. Plaintiff did not pay the \$5.00 filing fee, nor did he file an application to proceed without prepayment of fees. See 28 U.S.C. § 1914(a) (\$5.00 filing fee for habeas corpus petitions) and 28 U.S.C. § 1915(a)(1) (proceedings in forma pauperis).

ACCORDINGLY, it is hereby ORDERED that plaintiff is directed either (1) to pay the \$5.00 filing fee, or (2) to file an application to proceed without prepayment of fees, within 42 (forty-two) days of the date of this Order, or this action will be dismissed without prejudice.

SO ORDERED.

Dated at Boston, Massachusetts, this 23rd day of August, 2004.

s/ Richard G. Stearns
UNITED STATES DISTRICT JUDGE